

March 10, 1995

CD-95-03 (HD)

Dear Manufacturer:

SUBJECT: Declaration of Emission Control for Heavy-Duty Engines
to be Exported from the United States

As you know, there has been growing activity in other countries to control air pollution from mobile sources. Some countries to which manufacturers export engines now have their own emission standards and procedures. Some of these countries will accept, as complying with their standards, engines that meet U.S. emission standards. Consequently, EPA is quite often requested to provide documentation that shows engines being imported into another country have been designed to meet U.S. standards. Also, with U.S. heavy-duty engine standards becoming more stringent, often requiring exhaust aftertreatment not necessary for less stringent standards in other countries, engine manufacturers may want to export engine configurations not covered by current U.S. certificates, but that meet U.S. standards from previous model years. EPA is interested in assisting domestic manufacturers' documentation of U.S. compliance. However, EPA cannot devote resources to a completely separate certification program for export-only engines.

The Engine Manufacturers Association (EMA) has requested that EPA issue separate documentation of compliance for export-only engine families. While this method avoids the problems associated with using records of U.S. certification for proof of compliance, it also could imply a significant EPA resource burden if the documentation and review procedures are similar to certification for U.S. sales. However, a highly abbreviated process whereby EPA issues export-only documentation of compliance would be beneficial to both EPA and manufacturers. EPA could avoid costly paperwork burdens in processing Freedom of Information Act requests, and manufacturers would have readily available documentation for engine families not sold in the U.S.

We believe the Agency has the authority to issue such documentation under section 103(g) of the Clean Air Act, as amended in 1990 (Act). However, a Certificate of Conformity could not be issued under section 206 unless EPA had adequate evidence that the engine family conformed with the regulations issued under section 202 of the Act. For example, the engines would not conform to Section 202 of the Act if the engines only meet standards from past model years because such standards do not currently apply once the model year period is over. Moreover, EPA is not prepared to verify the conformity of these engines with all applicable sections of the Act. Therefore, EPA will not issue export-only Certificates of Conformity. However, EPA is prepared to issue documents that

acknowledge, based on information supplied by the manufacturer, that engines for exportation are designed to meet certain emission standards that exist or have existed in the United States.

EPA is also not prepared to conduct separate emission compliance programs that are different from the programs established for U.S. standards. EPA is willing to establish documentation that acknowledges an export engine family is designed to meet an established set of U.S. standards, using established U.S. procedures, but the agency will not provide documentation or confirmation regarding any standards or procedures that have not existed in the U.S. Therefore, EPA will provide simple documentation, based on manufacturer information, that an export-only engine family has been shown to meet an established set of emission standards from a given model year, using the procedures already established for that model year in U.S. regulations.

We have, therefore, decided to issue manufacturers a document called a Declaration of Emission Control (sample enclosed) for export-only engines based on minimal documentation submitted to EPA. The manufacturer will submit only the minimal descriptive information listed in the enclosed sheet, and an original, completed Declaration of Emission Control ready for EPA signature. It will be the manufacturer's responsibility to conduct the testing necessary, conforming with U.S. regulations for the applicable model year, to show compliance (with the results shown on the information sheet), and to retain records describing the engine family in the same detail as currently done for engine families certified for U.S. sale. A condition on the declaration is that the manufacturer supply any such records, and EPA with test vehicles for confirmatory testing. Note that included in the information sheet there is a statement of compliance that must be signed by an authorized representative of the manufacturer. All testing normally required for U.S. certification must be performed. Because manufacturers may obtain these acknowledgements to cover engines meeting only previous model year standards, the manufacturer will have to specify the model year standards that are being met by the engine family. Engines acknowledged under this process cannot be sold in the U.S. and a condition on the declaration is that they must carry an export-only label which makes it clear that they may not be reentered into commerce in the U.S. at a later date.

EPA will retain in its records only the information sheet and a copy of the export Declaration of Emission Control. We do not plan to have a computer data base for this information, however, we would like manufacturers to submit an electronic replica of the information on floppy disk. This will make it easier to publish the non-confidential information in electronic media. All of the information on file at EPA will be available to the public under

the Freedom of Information Act.

The export-only acknowledgement process is only currently being offered for heavy-duty engine families. We may consider extending this process to light-duty vehicles after we have gained experience in the level of effort required for heavy-duty engines, and if light-duty vehicle manufacturers express a need. Also, after gaining some experience with the costs associated with running this process, EPA may, through rulemaking, establish an appropriate fee for issuing future export acknowledgements.

Enclosed is the format for the Declaration of Emission Control. To speed the process and minimize EPA burden, we request that the manufacturer provide the certificate filled out and ready for signature. We can provide this format on floppy disk at your request.

Sincerely,

Robert E. Maxwell, Director
Certification Division
Office of Mobile Sources

Enclosures

EXPORT HEAVY-DUTY ENGINE INFORMATION

Manufacturers must submit the following information to receive a Declaration of Emission Control. Existing documents can be used if all information below is included. To minimize EPA document storage, avoid submitting more information than is specified below. (Please do not exceed three pages.) Manufacturers must retain all information specified in 40 CFR Part 86. Manufacturers should provide EPA with both a printed copy of the information below and an electronic replica of the information on a 3.5 inch floppy disk.

Submission Date

Export Engine Family Name

Standards Model Year

Standards (specify)

Displacement

Block Configuration (L-6, V-8, air cooled, etc.)

Combustion Cycle

Method of Air Aspiration

Type of Air Inlet Coolers

Fuel System

Fuel Type (unleaded gasoline, diesel, CNG, etc.)

Emission Control System (engine modification, catalyst, trap, etc.)

Copy of the Export-Only Label

Test Engine: Identification Number

Engine Code

Rated RPM

Rated Horsepower

Rated Torque

Model

Test Results

Deterioration Factors

Adjusted Results

Statement of Compliance: "Export Engine Family Number _____ has been tested in accordance with the provisions of 40 CFR Part 86, and meets the standards specified for model year ____." (This statement must be signed and dated by a manufacturer company official.)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DECLARATION OF EMISSION CONTROL

For Heavy-Duty Engines to be Exported From the United States

ISSUED TO:

[Name and address of the manufacturer.]

EXPORT ENGINE FAMILY:

The United States Environmental Protection Agency (EPA) hereby acknowledges that the above manufacturer provided information to the EPA indicating that it has tested the heavy-duty export engine family designated herein and has demonstrated that the engines are designed to meet the United States emission standards for the United States model year 19XX pursuant to the provisions of United States regulations at 40 CFR 86.XXX-X.

This declaration covers only new motor vehicle engines exported for use outside of the United States and which conform, in all material respects, to the design specifications that applied to those engines described in documentation submitted to the EPA and documentation retained by the manufacturer. This declaration is based only on information and test data supplied by the manufacturer to the EPA, and does not imply that the EPA attests to the emissions control performance of engines in actual use. This declaration documents only that the manufacturer has attested to the compliance of the engine family herein based on test results of an engine representative of the engine family herein. Any false or misleading information provided by the above manufacturer may lead to the revocation of this declaration by the EPA.

It is a condition of this declaration that the manufacturer retain in its records up-to-date descriptions of this engine family to the same level of detail required by 40 CFR Part 86 as if it were to be certified for sale in the United States. It is also a condition of this declaration that, if so requested by the EPA, the manufacturer supply test engines for confirmation testing at a place and time specified by the EPA, and supply to the EPA any or all records retained by the manufacturer relevant to this declaration. The EPA may revoke this declaration if the EPA determines the terms and conditions of the declaration have not been met.

It is a condition of this declaration that the engines produced and exported under this acknowledgement bear a label that identifies the engine as export only, not for sale in the United States. Engines produced under this declaration shall not be introduced into commerce in the United States unless covered by a Certificate of Conformity issued by the EPA for the model year in which the engine is introduced into commerce into the United States.

This declaration has no expiration. Engines meeting the terms and conditions of this declaration may be produced and exported beyond the standards model year specified above.

OFFICE OF MOBILE SOURCES

DATE